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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,087	06/10/2002	Joseph Wayne Freeman	RPS920020025	7103

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EXAMINER

CAO, CHUN

ART UNIT PAPER NUMBER

2115

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/064,087	Applicant(s) FREEMAN ET AL.	
	Examiner Chun Cao	Art Unit 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 13-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-6 and 13-30 are presented for examination.
2. In view of the appeal brief filed on 8/29/06, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Thomas Lee

/Thomas Lee/

3. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

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4. Claims 1-3, 17, 19, 21, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over E.P. van Westendorp "Hidden Partitions", 9/14/2000 (hereinafter "Westendorp") in view of "Information Technology AT Attachment with Packet Interface-6 (ATA/ATAPI-6)", Working Draft T13 1410D Revision 3a, 14 December 2001, pages 44-45 (hereinafter "Mclean").

As per claim 1, Westendorp teaches the claimed method, comprising:

adjusting a size of a partition of the hardfile to alter an operating system access configuration of the hardfile [Westendorp teaches the usage of the "SET MAX ADDRESS" command to control of the size of the partition. "The program may temporarily set the max address at the max native address, do a write or read, and restore the original max address" [emphasis added by the examiner].

In summary, Westendorp teaches the selectively adjusting the partition size of a hardfile by appropriately using the "SET MAX ADDRESS" command.

Westendorp does not explicitly teach when to use the "SET MAX ADDRESS" command. Mclean states that the "SET MAX ADDRESS" is "intended for use only by system BIOS or other low-level boot process. Using "the" command outside BIOS controlled boot or shutdown may result in damage to file systems on the device. Devices should return command aborted if a subsequent non-volatile SET MAX ADDRESS command is received after a power-on or hardware reset." [Emphasis added by the examiner]. In other words, Mclean states that "SET MAX ADDRESS" command can be safely used during the pre-boot process [low-level boot process].

In order to selectively adjusting the partition size as suggested by Westendorp during the pre-boot process as dictated by Mclean, inherently, the adjusting process is selectively executed based upon certain pre-boot test condition¹.

As per claim 2, Westendorp teaches of adjusting a size of a partition of the hardfile dynamically sets a maximum accessible size of the hardfile [paragraph reply from E.P. van Westendorp in page 2].

As per claim 3, Westendorp discloses the hardfile is a hard drive [paragraph reply from E.P. van Westendorp in page 1].

As to claim 17 basically is the corresponding elements that are carried out the method of operating steps in claims 1-3. Accordingly, claim 17 is rejected for the same reason as set forth in claims 1-3.

As to claims 19, 21, 23 and 25, Westendorp and Mclean teach the claimed method of steps. Therefore, Westendorp and Mclean teach the claimed computer readable medium having computer readable program to carry out the method of steps.

As per claim 22, Westendorp teaches that the configuration parameter is a SETMAX value [paragraph reply from E.P. van Westendorp in pages 1, 2].

5. Claims 4-6, 13-16, 18, 20, 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westendorp in view of McLean and Eckardt (Eckardt) U.S. Patent no. 6,542,979².

¹ The "SET MAX ADDRESS" command has to be executed in the low-level boot process. As such, the condition to trigger the execution of the "SET MAX ADDRESS" command has to be detected in the low-level boot process, i.e. pre-boot process.

² Eckardt is prior art reference cited in prior office action.

As to claims 4 and 5, Westendorp teaches of adjusting a size of a partition of the hardfile [paragraph reply from E.P. van Westendorp in page 2].

Eckardt teaches that the operating system is stored on a first part of the hardfile and user data is stored on a second part of the hardfile and sets the hardfile access to exclude the second part of the hardfile from access by the operating system [col. 1, lines 35-50; col. 2, lines 10-15; col. 4, lines 52-60].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Westendorp and Mclean and Eckardt because the specify teachings of Eckardt stated above would have improved the functionality of the Westendorp's system.

As per claim 6, Westendorp discloses the boot condition is whether to execute SET MAX ADDRESS command to access hidden partition or not [paragraph reply from E.P. van Westendorp in page 2], but does not expressly disclose the boot condition is a hardware tamper detect. It would be obvious to a person of ordinary skill in the art to use a hardware tamper detect as the boot condition since hardware and software are logically equivalent.

As to claims 13-16 basically are the corresponding elements that are carried out the method of operating steps in claims 1-5. Accordingly, claims 13-16 are rejected for the same reason as set forth in claims 1-5.

As to claim 18 is written in mean plus function and contained the same limitations as claims 13-16. Therefore same rejection is applied.

As to claims 20 and 24, Westendorp discloses the boot condition is whether to execute SET MAX ADDRESS command to access hidden partition or not [paragraph reply from E.P. van Westendorp in page 2], but does not expressly disclose the boot condition is a hardware tamper detect. It would be obvious to a person of ordinary skill in the art to use a hardware tamper detect as the boot condition since hardware and software are logically equivalent.

As per claim 28, Westendorp and Mclean and Eckardt teach the claimed system of claims 13-16. Therefore, Westendorp and Mclean and Eckardt teach the claimed method of steps to carry out the system.

6. Claims 26, 27 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westendorp in view of McLean and Steven (Steven) U.S. Publication no. 2003/0163610.

As to claims 26 and 29, Westendorp teaches of adjusting a size of a partition of the hardfile [paragraph reply from E.P. van Westendorp in page 2].

Westendorp does not explicitly teach of a Protected Area Run Time Interface Extension Services (PARTIES) partition.

Examiner takes Official Notice that a Protected Area Run Time Interface Extension Services (PARTIES) partition is well known in the art, evidence of which may be found in

Steven: figure 2; paragraphs 0005, 0006, 0016-0018.

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Westendorp and Mclean and Steven because the specify

teachings of Steven stated above would have improved the security of the Westendorp's system.

As per claim 27, Westendorp teaches of using a SETMAX procedure to adjust the size of partition [paragraph Reply from E.P. van Westendorp in page 1; paragraph Reply from E.P. van Westendorp in page 2].

As per claim 30, inherently, Steven discloses the hard drive is a ATAPI-4 compliant hard drive [20, fig. 1; paragraphs 0015, 0016]. Westendorp also discloses that the hard drive is a ATAPI-4 compliant hard drive [paragraph Reply from E.P. van Westendorp in page 1].

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-3, 17, 19, 21-23 and 25 are rejected under 35 U.S.C. 102(a) as being anticipated by Rafizadeh (Rafizadeh) U.S. Patent no. 6,401,183.

As per claim 1, Rafizadeh teaches a method for access control a hardfile in a computer system having an operating system [figures 11,12; col. 6, lines 55-61], the method comprising:

detecting a special boot condition [user's modification, fig. 11] during a pre-boot test of the computer system [col. 6, lines 55-61; col. 7, line 40-col. 8, line 22]; and in

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response to detecting the special boot condition, adjusting a size of a partition of the hardfile to alter an operating system access configuration of the hardfile [fig. 12; col. 8, lines 1-22].

As per claim 2, Rafizadeh teaches of adjusting a size of a partition of the hardfile dynamically sets a maximum accessible size of the hardfile [col. 8, lines 1-22].

As per claim 3, Rafizadeh discloses the hardfile is a hard drive [100, figure 14].

As to claim 17 basically is the corresponding elements that are carried out the method of operating steps in claims 1-3. Accordingly, claim 17 is rejected for the same reason as set forth in claims 1-3.

As to claims 19, 21, 23 and 25, Rafizadeh teaches the claimed method of steps. Therefore, Rafizadeh teaches the claimed computer readable medium having computer readable program to carry out the method of steps.

As per claim 22, Rafizadeh teaches that the configuration parameter is a SETMAX value [col. 8, lines 14-22].

9. Claims 4-6, 13-16, 18, 20, 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rafizadeh (Rafizadeh) U.S. Patent no. 6,401,183 in view of Eckardt (Eckardt) U.S. Patent no. 6,542,979.

As to claims 4 and 5, Rafizadeh teaches of adjusting a size of a partition of the hardfile [col. 8, lines 1-22].

Eckardt teaches that the operating system is stored on a first part of the hardfile and user data is stored on a second part of the hardfile and sets the hardfile access to

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exclude the second part of the hardfile from access by the operating system [col. 1, lines 35-50; col. 2, lines 10-15; col. 4, lines 52-60].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Rafizadeh and Eckardt because they both teach an initializing process in a computer system, and the specify teachings of Eckardt stated above would have improved the functionality of the Rafizadeh's system.

As per claim 6, Rafizadeh discloses the boot condition is user's modification [fig. 11] but does not expressly disclose the boot condition is a hardware tamper detect. It would be obvious to a person of ordinary skill in the art to use a hardware tamper detect as the boot condition since hardware and software are logically equivalent.

As to claims 13-16 basically are the corresponding elements that are carried out the method of operating steps in claims 1-5. Accordingly, claims 13-16 are rejected for the same reason as set forth in claims 1-5.

As to claim 18 is written in mean plus function and contained the same limitations as claims 13-16. Therefore same rejection is applied.

As to claims 20 and 24, Rafizadeh discloses the boot condition is password detection but does not expressly disclose the boot condition is a hardware tamper detect. It would be obvious to a person of ordinary skill in the art to use a hardware tamper detect as the boot condition since hardware and software are logically equivalent.

As per claim 28, Rafizadeh and Eckardt teach the claimed system of claims 13-16. Therefore, Rafizadeh and Eckardt teach the claimed method of steps to carry out the system.

10. Claims 26, 27 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rafizadeh (Rafizadeh) U.S. Patent no. 6,401,183 in view of Steven (Steven) U.S. Publication no. 2003/0163610 and E.P. van Westendorp "Hidden Partitions", 9/14/2000 (hereinafter "Westendorp").

As to claims 26 and 29, Rafizadeh teaches of adjusting a size of a partition of the hardfile [col. 8, lines 1-22].

Rafizadeh does not explicitly teach of a Protected Area Run Time Interface Extension Services (PARTIES) partition.

Examiner takes Official Notice that a Protected Area Run Time Interface Extension Services (PARTIES) partition is well known in the art, evidence of which may be found in

Steven: figure 2; paragraphs 0005, 0006, 0016-0018.

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Rafizadeh and Steven because they teach an initializing process in a computer system, and the specify teachings of Steven stated above would have improved the security of the Rafizadeh's system.

As per claim 27, Examiner takes Official Notice that using a SETMAX procedure to adjust the size of partition is well known in the art, evidence of which may be found in

Westendorp: paragraph Reply from E.P. van Westendorp in page 1; paragraph
Reply from E.P. van Westendorp in page 2.

As per claim 30, inherently, Steven discloses the hard drive is a ATAPI-4 compliant hard drive [20, fig. 1; paragraphs 0015, 0016]. Rafizadeh also discloses that the hard drive is a ATAPI-4 compliant hard drive [100, fig. 14].

11. Applicant's arguments filed on 8/29/2006 have been fully considered but are moot in view of new ground(s) of rejection. The examiner regrets the delay in the citation of the new references.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nov. 21, 2006

A handwritten signature in black ink, appearing to read 'Chun Cao', is positioned above the printed name.

CHUN CAO
PRIMARY EXAMINER